

REC'D

**CT CORPORATION**  
A WoltersKluwer Company

JAN 31 2007

**K.P. McGlinchey**

**Service of Process**  
**Transmittal**  
01/29/2007  
Log Number 511854533

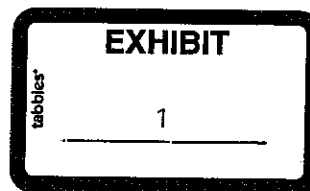
**TO:** Kevin P McGlinchey, General Counsel  
Vought Aircraft Industries  
9314 West Jefferson, MS 49L-29  
Dallas, TX, 75211-

**RE: Process Served in Tennessee**

**FOR:** Vought Aircraft Industries, Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Howard Dean Gipson, Pltf vs. Vought Aircraft Industries, Inc., Dft.  
**DOCUMENT(S) SERVED:** Letter, Summons (2 sets), Complaint, Questionnaire  
**COURT/AGENCY:** Davidson County Circuit Court, TN  
Case # 07C171  
**NATURE OF ACTION:** Employee Litigation - Wrongful Termination - wrongful termination on 01/26/2006  
**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Knoxville, TN  
**DATE AND HOUR OF SERVICE:** By Certified Mail on 01/29/2007 postmarked on 01/25/2007  
**APPEARANCE OR ANSWER DUE:** Within 30 days from the date this summons is served upon you-answer complaint  
**ATTORNEY(S) / SENDER(S):** James L. Harris  
2400 Crestmoor Road  
Nashville, TN, 37215  
615-386-7143  
**ACTION ITEMS:** SOP Papers with Transmittal, via Fed Ex 2 Day, 790168850562  
**SIGNED:** C T Corporation System  
**ADDRESS:** 800 S. Gay Street  
Suite 0221  
Knoxville, TN, 37929-9710  
**TELEPHONE:** 865-342-3522



Page 1 of 1 / EF

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.

JAMES L. HARRIS  
ATTORNEY AT LAW  
2400 CRESTMOOR ROAD  
NASHVILLE, TN 37215  
PHONE: 615-386-7143  
FAX: 615-386-7043  
EMAIL: jhar401@boardroominc.net

January 24, 2007

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

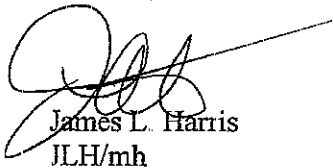
Vought Aircraft Industries, Inc.  
C/o C.T. Corporation System  
800 South Gay Street, Suite 2021  
Knoxville, TN 37929-9710

Re: *Howard Dean Gipson v. Vought Aircraft Industries, Inc.*  
*Docket No. 07C171*

Dear Sir or Madam:

Please find enclosed **Summons and Complaint** in the above styled case. If you have any questions, please call.

Sincerely,



James L. Harris  
JLH/mh

Enclosure

## CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

STATE OF TENNESSEE  
DAVIDSON COUNTY  
20<sup>TH</sup> JUDICIAL DISTRICT

2007 JAN 17 PM 4:14

- ☒ First  
☐ Alias  
☐ Pluries

HOWARD DEAN GIPSON

RICHARD R. ROOKER, CLERK

D.C.

Plaintiff

CIVIL ACTION  
DOCKET NO.

07C171

Vs.

VOUGHT AIRCRAFT INDUSTRIES, INC.

C/O CT CORPORATION SYSTEM

800 SOUTH GAY STREET, SUITE 2021

KNOXVILLE, TN 37929-9710

Defendant

## Method of Service:

- ☐ Davidson County Sheriff  
☐ Out of County Sheriff  
☐ Secretary of State  
☒ Certified Mail  
☐ Personal Service  
☐ Commissioner of Insurance

To the above named Defendant:

You are summoned to appear and defend a civil action filed against you in Circuit Court, 523 Mainstream Drive, Nashville, TN 37228, and your defense must be made within thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 117.07

RICHARD R. ROOKER

Circuit Court Clerk

Davidson County, Tennessee

By

Deputy Clerk

ATTORNEY FOR PLAINTIFF

or

PLAINTIFF'S ADDRESS

JAMES L. HARRIS, ATTORNEY AT LAW

2400 CRESTMOOR ROAD

Address

NASHVILLE, TN 37215 (615)386-7143

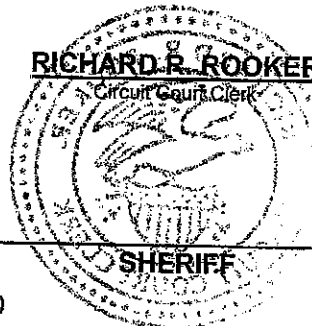
TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law

Received this summons for service this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_



ADA Coordinator, Margaret Larobardiere (862-5204)



## CIRCUIT COURT SUMMONS

NASHVILLE, TENNESSEE

STATE OF TENNESSEE  
DAVIDSON COUNTY  
20<sup>TH</sup> JUDICIAL DISTRICT☒ First  
☐ Alias  
☐ Pluries

HOWARD DEAN GIPSON

Plaintiff

Vs.

VOUGHT AIRCRAFT INDUSTRIES, INC.

C/O CT CORPORATION SYSTEM

800 SOUTH GAY STREET, SUITE 2021

KNOXVILLE, TN 37929-9710

Defendant

CIVIL ACTION  
DOCKET NO 07C171

## Method of Service:

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In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 1.17.07

**RICHARD R. ROOKER**Circuit Court Clerk  
Davidson County, Tennessee

By

Deputy Clerk

ATTORNEY FOR PLAINTIFF

or

PLAINTIFF'S ADDRESS

JAMES L. HARRIS, ATTORNEY AT LAW

2400 CRESTMOOR ROAD

Address

NASHVILLE, TN 37215 (615)386-7143

TO THE SHERIFF:

Please execute this summons and make your return hereon as provided by law.

**RICHARD R. ROOKER**

Circuit Court Clerk

Received this summons for service this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

SHERIFF



ADA Coordinator, Margaret L. Robardiere (862-5204)

**FILED**  
IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

2007 JAN 17, PM 4: 14  
HOWARD DEAN GIPSON, RICHARD R. ROOKER, CLERK  
Plaintiff, No. 07C171  
vs. JURY DEMAND  
VOUGHT AIRCRAFT  
INDUSTRIES, INC.,  
Defendant.

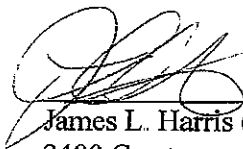
**COMPLAINT**

1. Plaintiff is an adult citizen and resident of Wilson County, Tennessee.
2. Defendant is a Delaware corporation domesticated to do business in Tennessee which maintains a principal place of business in Davidson County, Tennessee. Defendant's registered agent for service of process is CT Corporation System, 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929-9710.
3. At all times pertinent, the relationship of employer and employee existed by and between Defendant and Plaintiff.
4. The wrongful acts and omissions complained of herein occurred in Davidson County, Tennessee.
5. Plaintiff, who was employed by Defendant as an hourly worker for Defendant for more than twenty years, underwent triple bypass heart surgery in late 2004. Plaintiff exercised his rights under the federal Family and Medical Leave Act ["FMLA"], which is codified at Chapter 26 of Title 29 of the United States Code, and returned to work uneventfully. Defendant thus had actual notice of Plaintiff's heart condition.

6. In late January of 2006, after a series of disputes with his supervisors, Plaintiff complained of elevated blood pressure, pain, and unwarranted fatigue. Plaintiff did not have his cardiac medication immediately available. Plaintiff informed his supervisor of these symptoms and requested an immediate appointment with Defendant's on-site nurse. Permission was refused. Plaintiff, fearing for his health, visited the plant nurse that same day, again described his symptoms, advised the nurse that his medication was not immediately available, and was denied permission to leave work and see to his health.
7. Plaintiff's entreaties and the information imparted to his employer as articulated hereinabove were sufficient to put Defendant on notice that Plaintiff was requesting time off for a serious health condition.
8. Defendant's refusal to allow Plaintiff time off for a serious health condition as requested was a violation of 29 USC ¶ 2615[a][1].
9. Defendant terminated Plaintiff on or about January 26, 2006. Defendant's stated reason for firing Plaintiff was wholly pretextual. The true reasons for Defendant's having fired Plaintiff were discrimination against him for opposing Defendant's unlawful failure to grant FMLA leave in violation of 29 USC ¶ 2615[a][2], and retaliation against Plaintiff for seeking to enforce his FMLA rights and/or complaining of Defendant's refusal to comply with the FMLA and the regulations promulgated thereunder.
10. As a direct and proximate result of Defendant's wrongful and unlawful acts as aforesaid, Plaintiff has suffered a loss of back pay, a loss of front pay, a loss of benefits of employment, and other economic damage.

**WHEREFORE AND FOR ALL OF WHICH** Plaintiff sues Defendant for \$400,000.00 in money damages along with such other and general relief as he is deemed entitled, including but not limited to the costs of the cause, reasonable discretionary expenses of litigation, and reasonable attorney fees, all as provided by law. Plaintiff demands a jury to resolve the issues joined.

Respectfully submitted,



James L. Harris (TN BPR # 014173)  
2400 Crestmoor Road  
Nashville, TN 37215  
615-386-7143  
Attorney for Plaintiff

I hereby certify that this is a true copy  
of original instrument filed in my office  
this 11 day of JAN 2007  
By RICHARD R. ROOKER Clerk  
Deputy Clerk

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

vs

NO.

ALTERNATIVE DISPUTE RESOLUTION QUESTIONNAIRE

Alternative Dispute Resolution ("ADR") procedures are now available to assist in the resolution of civil cases. ADR may considerably reduce the amount of time and money spent in resolving conflicts, as well as, providing the parties with choices, confidentiality, and a degree of control in the outcome of their case.

Some of the more common forms of ADR that have been officially approved by the TN Supreme Court are:

- |                                   |                            |
|-----------------------------------|----------------------------|
| 1. Judicial Settlement Conference | 3. Non-Binding Arbitration |
| 2. Mediation                      | 4. Case Evaluation         |

Each party should review this questionnaire with their attorney. The Plaintiff(s) (or the *Pro Se* litigant(s) and the defendant(s) should sign it and return it to the Circuit Court Clerk's Office within 30 days of receipt of the notice.

1. Are you willing to consider using ADR in this case? Yes \_\_\_\_\_ No \_\_\_\_\_
2. The available forms of ADR are listed below. Please indicate your willingness:

	Yes	No	Maybe
Judicial Settlement Conference	_____	_____	_____
Mediation	_____	_____	_____
Case Evaluation	_____	_____	_____
Non-Binding Arbitration	_____	_____	_____

After this case is at issue the Court directs you to contact your adversary and enter into an agreed scheduling order. If any of the parties agree to one or more forms of ADR, please include the form(s) of ADR in the scheduling order. Please note that at any time during the pendency of this case, the Court will entertain motion(s) to refer the case to ADR. A pamphlet is available through the Nashville Bar Association or the Clerk entitled "Settle Your Dispute Through Mediation" that provides further information about ADR procedures.

I have reviewed the above questionnaire and have indicated my preference this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of party or representative

**CERTIFICATE OF COUNSEL**

I have furnished a copy of this Questionnaire to the party represented by me (including any insurance company assisting with the cost of defense), have made available to such person(s) information about the various forms of ADR, and have discussed with my client responses to the above questions. I have served opposing counsel a completed copy of this Questionnaire this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney for \_\_\_\_\_  
Telephone # \_\_\_\_\_



## NOTICE

In December 1995, the Supreme Court of Tennessee established Rule 31 regarding Alternative Dispute Resolution. Pursuant to this Rule, a court may order parties in a civil action to participate in an alternative dispute proceeding. Likewise, parties to a lawsuit may agree to Alternative Dispute Resolution. The Rule provides for the use of various methods of ADR. Often Alternative Dispute Resolution of pending cases may save time and expense.

Litigants in the Circuit Court may wish to use one of these procedures to assist in the speedy and efficient resolution of civil cases. Some of the more common forms of ADR are:

**Judicial Settlement Conference**-mediation conducted by a Judge other than a Judge before whom the case will be tried

**Non Binding Arbitration**-process in which a neutral person or panel, called an arbitrator or an arbitration panel, considers the facts and arguments presented by the parties and renders a decision which is non-binding

**Mediation**-an informal process in which a neutral person called a mediator conducts discussions among the disputing parties designed to enable them to reach a mutually acceptable agreement among themselves on all or any part of the issues in dispute

**Case Evaluation**-a process in which a neutral person called an evaluator or evaluation panel after receiving brief presentations by the parties summarizing their positions, identifies the central issues in dispute as well as areas of agreement, provides the parties with an assessment of the relative strengths and weaknesses of their case, and may offer a valuation of the case.

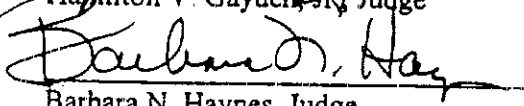
**Summary jury trial**-an abbreviated trial with a jury in which the litigants present their evidence in an expedited fashion. The litigants and the jury are guided by a presiding neutral person. After an advisory verdict from the jury, the presiding neutral person may assist the litigants in a negotiated settlement of their controversy


**Mini-trial**- a settlement process in which each side presents an abbreviated summary of its case to the parties or representatives of the parties who are authorized to settle the case. A neutral person may preside over the proceeding. Following the presentation, the parties or their representatives seek a negotiated settlement of the dispute.

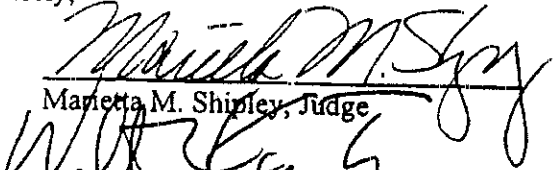
The Judges of the trial courts of Davidson County unanimously support ADR and questionnaires are provided to all litigants at the beginning of a lawsuit. The questionnaire asks litigants to answer whether that litigant will be voluntarily agreeable to one or more of the ADR forms described above. **(Please fill out this questionnaire and return it to the Circuit Court Clerk's Office)**

Sincerely,

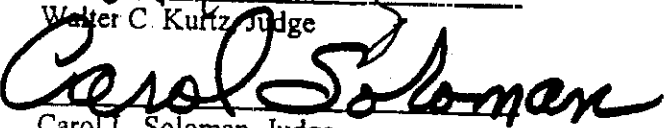
  
Hamilton V. Gayden, Jr., Judge

  
Barbara N. Haynes, Judge

  
Thomas W. Brothers, Judge

  
Marietta M. Shipley, Judge

  
Walter C. Kurtz, Judge

  
Carol L. Soloman, Judge